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FOR IMMEDIATE RELEASE

August 31, 2012

Landmark Decision- New Hopi Code of Laws Approved *Replaces 40-Year Old Ordinance 21*

KYKOTSMOVI, AZ. – On Aug. 28, the Hopi Tribal Council voted to approve a new legal Code for the Tribe. The new law, called the “Hopi Code” replaces the Tribe’s law and order code, commonly referred to as “Ordinance 21”, which had not been changed or amended in more than 40 years. The new Hopi Code updates the Tribal Court systems, as well as the criminal laws of the Tribe. In the same action, the Tribal Council also approved a new set of Rules of Civil Procedure that govern the process for conducting civil lawsuits in the Tribal Courts.

Recently, the United States Congress enacted the “Tribal Law and Order Act of 2010” to address the high rates of crime on Indian reservations throughout the country. The 2010 Act provides that tribes may impose increased criminal penalties for serious crimes including jail time for up to three years per offense, and fines of no more than \$15,000, as long as a tribe provides professional law-trained judges, prosecutors, and public defenders free of charge subject to income guidelines. Previously, tribes were limited to imposing no more than one year in jail for persons convicted of even the most serious crimes, and no more than a \$5,000 fine.

The Chairman of the Tribal Council’s Law Enforcement Task Team, Wayne Kuwanhyoima, Representative from the Village of Moenkopi and a former U.S. Marine and retired law enforcement officer, led the effort to enact the new Hopi Code. With the help of fellow Council Representatives on the Task Team, Danny Honanie, Gayver Puhuyesva, Alph Secakuku, Carleen Quotskuyva, Leroy Kewanimptewa, and Mervyn Yoyetewa. Representative Kuwanhyoima conducted an 18-month effort to develop a new set of criminal laws and civil laws to address long-standing problems facing the Hopi people. The Task Team received advice and assistance from various professionals within the Tribe including Judges, the Prosecutor’s Office, the Office of General Counsel, as well as various other departments and programs. The Task Team held multiple public hearings in various Hopi Villages throughout the project to hear from Hopi citizens. “Our Task Team worked hard to develop a new set of criminal laws to address the growing problem of crime on the Reservation in order to protect the Hopi people and to provide more safety in the Villages. The new Hopi Code is an important first step in reducing crime and fostering Hopi values of respect and decency.”

The Task Team voted unanimously to approve the new Hopi Code and to recommend approval by the Tribal Council.

On Aug. 28, the Tribal Council held a hearing on the new Hopi Code. At the hearing, the Tribal Council heard testimony in support of the new Hopi Code from a variety of people including Assistant United States Attorney Pat Schneider, the Tribe’s Chief Judge Trujillo, and the Tribe’s Chief Prosecutor Engel. The Tribal Council also received testimony from dozens of Hopi citizens who provided dramatic testimony about violent crimes that have taken place on the Reservation, including horrific stories of murders. The Hopi Alliance Against Substance Abuse (HAASA), a community-based group that has been pushing for these type of reforms, provided compelling testimony about the need for updated laws especially to protect victims of domestic

violence. Many victims of crime testified about the lack of accountability and the countless unsolved crimes. Nearly everyone who testified at the hearing supported the passage of the new Hopi Code.

At the end of the hearing, the Tribal Council made its historic decision by a 16-to-2 vote, with Representatives Gayver Puhuyesva and Nada Talayumptewa opposing.

“This is an historic event for the Tribe,” said Chairman LeRoy Shingoitewa. “For the first time in decades, the Hopi People will be provided with greater legal protections to help prevent crimes and bring back more civility within the Tribe. I extend my heartfelt gratitude to the members of the Task Team and the Tribal Council who made this landmark decision to protect the citizens of the Hopi Tribe,” he said.

The new Hopi Code and the Rules of Civil Procedure are available on the Hopi Tribe’s website at www.hopi-nsn.gov.

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